

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

LISA N. ROY,

Plaintiff,

-against-

1:10-CV-0216 (LEK/DRH)

MERCY of NORTHERN NY,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on August 24, 2010, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 4).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Magistrate Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

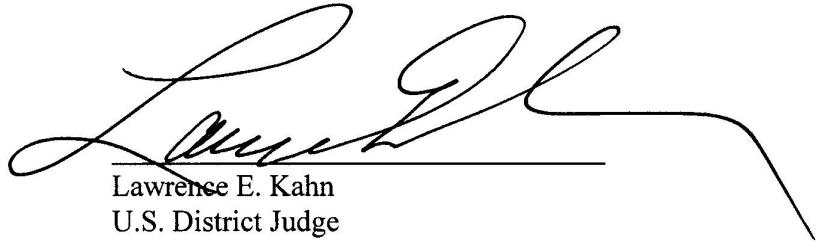
**ORDERED**, that the Report-Recommendation (Dkt. No. 4) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED in its entirety without prejudice** pursuant to Federal Rules of Civil Procedure 16(f)(1)(C) and 37(b)(2)(A)(v) for Plaintiff's failure to comply with the Court's March 3, 2010 Order (Dkt. No. 3); and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: September 13, 2010  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge